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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

13 APPLE INC., a California corporation,

14 Plaintiff,

15 v.

16 SAMSUNG ELECTRONICS CO, LTD., a
17 Korean corporation, ET AL.

Case No. 12-cv-00630-LHK

Case No. 5:15-cv-04417

19 ZEROCLICK, LLC, a Texas limited liability
20 company,

21 Plaintiff,

22 v.

23 APPLE INC., a California corporation,

24 Defendant.

**ADMINISTRATIVE MOTION TO
RELATE CASES PURSUANT TO L.R.
3.12(b) AND L.R. 7.11**

26 Pursuant to Local Rule 3.12(a) and (b), Plaintiff ZeroClick, LLC (“Zeroclick”) files this
27 Administrative Motion, pursuant to Local Rule 7.11, seeking an order from the Court that the
28

1 case filed at 5:15-cv-04417 is related to the case docketed at 5-12-cv-00630. Local Rule 3.12(a)
 2 deems:

3 An action is related to another when:

4 (1) The actions concern substantially the same parties, property, transaction or event; and

5 (2) It appears likely that there will be an unduly burdensome duplication of labor and
 6 expense or conflicting results if the cases are conducted before different Judges.

7 **A. The Two Cases Exhibit Substantial Similarity**

8 Both related cases in this instance involve the -04417 Defendant, Apple, Inc., (“Apple”) and Apple’s “slide-to-unlock” touchscreen functionality, which Zeroclick accuses of infringing
 9 and Apple’s “slide-to-unlock” touchscreen functionality, which Zeroclick accuses of infringing
 10 two of its U.S. Patents, U.S. 8,549,443 and U.S. 7,818,691. In the earlier -630 case, the ‘443 and
 11 ‘691 patents were prior art to Apple’s asserted patent, U.S. 8,046,721. Indeed, while the ‘630
 12 case was pending, the inventor of Zeroclick’s ‘443 and ‘691 patents, Dr. Nes Irvine, sent a letter
 13 to this Court, copying Apple’s trial counsel, informing both of the existence and relevance of the
 14 ‘443 and ‘691 patents, as well as the inventor’s work, to the -630 case.

15 Moreover, both cases involve the common event of Apple launching and
 16 commercializing its “iOS” touchscreen consumer electronic devices, such as its iPhone and iPad
 17 products. In the -630 case, Apple argued to this Court the value of its “slide-to-unlock”
 18 functionality, which Zeroclick accuses in the -4417 case Apple’s “slide-to-unlock” functionality
 19 is exemplar functionality accused of infringing both Zeroclick’s patents in the -4417 case. Fact
 20 issues relevant to patent damages and patent validity, including commercial success of patented
 21 functionality, will be common to both cases.

22 **B. There Will Be an Unduly Burdensome Duplication of Burden and Expense if**
 23 **the -4417 Case is Not Assigned to This Court.**

24 There will be an unduly burdensome duplication of labor and expense if the -4417 case is
 25 tried by a different judge. The -630 case continues over three years after inception and over two
 26 thousand court filings. The -630 case included a preliminary injunction hearing and a jury trial,
 27 which both concerned Apple’s user interface technology, including its “slide-to-unlock”
 28 functionality, all at issue in the -4417 case. A second judge would be burdened with re-hearing

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much of the same evidence and deciding many of the same issues as well as learning the accused technology, which is similar, if not identical, in both cases. This will be an unduly burdensome waste of judicial resources.

DATED: September 25, 2015

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By: /s Marc A. Fenster
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CERTIFICATE OF SERVICE

Pursuant to Local Rule 5.5, I hereby certify that on September 25, 2015, I caused the foregoing * to be electronically filed with the Clerk of the Court. I understand that the Court will provide electronic notification of and access to such filing to the counsel of record in this matter who are registered on the CM/ECF as listed below.

DATED: September 25, 2015

RUSS, AUGUST & KABAT

By: /s Marc A. Fenster
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Zeroclick, LLC